

VILLAGE OF PORT ALICE

BY-LAW NO. 200

A by-law to regulate the location and use of buildings and structures and the use of land, including the surface of water within the Village of Port Alice and for that purpose to divide the Village into zones pursuant to the provisions of the Municipal Act, having due regard to the promotion of health, safety, convenience, and welfare of the public, the prevention of the overcrowding of land, and the preservation of the amenities peculiar to any zone; the securing of adequate light, air, and access; the value of the land and the nature of its present and prospective use and occupancy; the character of each zone, the character of the buildings already erected, and the peculiar suitability of the zone for particular uses, and the conservation of property values.

The Council of the Village of Port Alice in open meeting assembled enacts as follows:

1. By-law No. 106, cited as, The Village of Port Alice Zoning By-law No. 106, 1975 is hereby repealed.

2. The following regulations are hereby enacted:

INTERPRETATION AND ADMINISTRATION

2.1.0 TITLE

This By-law may be cited as "The Village of Port Alice Zoning By-law No. 200, 1980".

2.2.0 APPLICATION

This By-law shall be applicable to all of the land within the boundaries of the Village of Port Alice as defined in the Letters Patent and amendments thereto.

2.3.0 DEFINITIONS in this By-law unless the context otherwise requires:

ACCESSORY USE OR STRUCTURE: means a use or structure on the same lot, with and of a nature customarily incidental and subordinate to, the principal use or structure;

ADMINISTRATIVE OFFICER: means the Building Inspector or such other person appointed by the Council to administer this By-law;

BUILDING: means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, HEIGHT: means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: means a building in which is conducted the main or principal use of the lot on which it is located;

CARPORT: means a partially enclosed structure intended for the shelter of not more than two motor vehicles. Enclosure is limited, to the roof, and to a height not greater than three meters (9.8 feet) above the ground or finished surface of the carport;

COMMUNITY SEWER SYSTEM: means a common sewer, or a system of sewerage or sewage disposal which is owned, operated and maintained by the Village of Port Alice;

COMMUNITY WATER SYSTEM: means a system of waterworks which is owned, operated and maintained by the Village of Port Alice.

COUNCIL: means the Council of the Village of Port Alice;

DWELLING: means a building designated or used exclusively as the living quarters (construed as including "sleeping, cooking and toilet facilities) for one or more families;

DWELLING, SINGLE FAMILY: means a dwelling containing one dwelling unit only;

DWELLING, TWO FAMILY: means a dwelling containing two dwelling units;

DWELLING, MULTIPLE FAMILY: means a dwelling containing three or more dwelling units;

DWELLING UNIT: a room, or set of rooms, used, or intended to be used, as the living quarters for one family;

FAMILY: means one or more persons related by blood, marriage or adoption occupying single living quarters;

FLOOR AREA: the sum of the gross horizontal area of the several floors of a building excluding basement floor areas. All dimensions shall be outside dimensions;

GASOLINE SERVICE STATION: means premises primarily for the sale of gasoline, lubricating oil and motor vehicle accessories directly to the users of motor vehicles and the servicing of motor vehicles, excluding body works and painting;

HOME OCCUPATIONS; means an accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade.

LANE: means a public thoroughfare not exceeding nine meters (29.5 feet) in width, which provides secondary means of access to a site;

LODGING OR BOARDING HOUSE: means a building where sleeping or lodging accommodation is provided, with or without meals, for remuneration to more than two persons, exclusive of the occupant and his immediate family;

LOT; means an area of land the boundaries of which are shown on a plan registered on a land titles office, or with the Department of Lands, Forests, and Water Resources, or are described in the certificate of title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the land titles office, or with the Department of Lands, Forests, and Water Resources;

LOT, DEPTH OF: means the distance between the midpoints of straight lines connecting the foremost points of the site lot lines in front and the rearmost points of the side lot lines in the rear;

LOT; WIDTH OF: means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot widths except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirement shall not apply;

LOT CORNER: means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees;

MOBILE HOME: means a vehicular portable structure built on a chassis and designed to be used with a permanent foundation as a single family dwelling unit when connected to indicated utilities. This also includes multiple section mobile homes;

MULTIPLE SECTION MOBILE HOME: means a single structure composed of separate mobile units each towable on its own chassis, which when towed to the site are coupled together mechanically and electrically to form a single structure. These are sometimes referred to as double wide mobile homes, when only two units are joined together;

PRINCIPAL USE: means the main purpose for which a building or site is used;

STREET: means all highways, roads, squares, thoroughfares and any other public way, but not lanes or walkways;

STRUCTURE: means anything constructed or erected with a fixed location on the ground, or attached to something having fixed location on the ground. Among other things, structure includes buildings, walls, fences, oilboards and poster panels;

YARD: means a part of a parcel upon or over which no building or structure other than a boundary fence is erected unless otherwise hereinafter permitted;

YARD, FRONT: means a yard extending between side lot lines across the front of a lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

YARD, REAR: means a yard extending across the rear of the lot between side lot lines. Depth of required yards shall be measured at right angles to a straight line joining the rear-most points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight lines so established.

YARD, SIDE: means a yard extending from the front yard to the rear yard between the side line of the lot and a line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.

2.4.0 PROHIBITION

No building, structure or land, including the surface of water, shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with this By-law.

2.5.0 ADMINISTRATION

- (1) The Administrative Officer shall administer this By-law.
- (2) Any person appointed under subsection (1) may enter any building or premises at any reasonable hour for the purpose of administering or enforcing this By-law.

2.6.0 NONCONFORMING USES

- (1) A lawful use of premises existing or lawfully under construction at the time of the adoption of this By-law, although such use does not conform to the provisions of this By-law, may be continued subject to the provisions of Division (3), Part XXI of the Municipal Act respecting nonconforming uses.
- (2) A building existing prior to the date of adoption of this By-law which fails to comply with the siting requirements herein shall not by reason thereof be deemed to be nonconforming. However, any subsequent alterations or additions to such building shall be permitted only in accordance with the siting requirements of this By-law.

2.7.0 PERMITS

- (1)
  - (a) No change in the use, or the intensity of use, of land, building or structure and no construction, excavation or other operation, in, on, over or under land, including the surface of water, shall be undertaken until a Development Permit for the same has been issued by the Administrative Officer under this By-law, and no Development permit shall be issued unless any proposed development complies with the provisions of this By-law.
  - (b) Development for which a Development Permit has been issued under subsection (a) must be commenced within one year from the date of approval of the Development Permit.
  - (c) Development for which a Development Permit has been issued under subsection (a) must be completed, including all necessary or required landscaping, within two years of the date of approval of the Development Permit.
- (2) No land shall be used or occupied and no building hereafter erected, altered or extended shall be occupied, or used, or changed in use, until a certificate of occupancy for the same has been issued by the Administrative Officer under this By-law. No certificate of occupancy shall be issued unless the proposed use of building complies with the provisions of this By-law.
- (3) Notwithstanding subsection (1), no Development Permit is required for minor structural alterations to existing buildings or structures.

2.8.0

BOARD OF VARIANCE

- (1) There is hereby established, pursuant to the provisions of section 708 of the Municipal Act, a Board of Variance consisting of three members:
  - (a) One appointed by Council;
  - (b) One appointed by the Lieutenant-Governor-in-Council; and
  - (c) One appointed by the other two appointees,
- (2) A chairman shall be elected from the members of the Board of Variance.
- (3) The procedures of the Board of Variance are as follows:
  - (a) The Clerk of the Municipality shall act as the Secretary to the Board of Variance and shall exercise the following powers in relation to the said Board:
    - ( i) keep minutes of all Board meetings;
    - (ii) give all notices and decisions by registered mail.
  - (b) Any person exercising the right of appeal shall mail to the Secretary of the Board of Variance a letter setting out in general terms the grounds upon which the appeal is made. The appellant shall give an address to which all notices may be mailed.
- (4) The Secretary of the Board of Variance shall notify the Chairman of the Board of Variance and the Chairman shall set a date for the hearing of the appeal. At least five days notice of the hearing shall be mailed by the Secretary to:
  - (a) the members of the Board of Variance;
  - (b) the appellant at the address given by him;
  - (c) the owners and occupiers of all real property located adjacent to the property with respect to which the appeal is being heard.
- (5) Public notice of the hearing shall be given if the matter is deemed by the Board of Variance to be of sufficient importance.
- (6) The duties of the Board of Variance shall be as specified in Section 709 of the Municipal Act.

2.9.0

AMENDMENTS

- (1) The Council may, by by-law amend or repeal this By-law in accordance with the provisions of Division (3), Part XXI, of the Municipal Act.
- (2) An application for rezoning shall be treated as an application to amend this By-law.

2.10.0

VIOLATIONS

- (1) It shall be unlawful for any person to contravene or suffer or permit any act or thing in contravention of this By-law,

- (2) It shall be unlawful for any person to prevent or obstruct any official appointed under subsection (1) of Section 2.5.0 from the carrying out of his duties under this By-law.

2.11.0 PENALTIES

- (1) Any person who violates the provisions of this By-law is liable on summary conviction to a penalty not exceeding Two Hundred Dollars (\$200.00) and also the cost of prosecution.
- (2) Each day during which such violation is continued shall be deemed to constitute a new and separate offence.
- (3) Upon conviction, the judge may direct that no prosecution under subsection (2) may be made, with respect to the continuance of the violation, for such period of time as he directs.

2.12.0 DECLARATION OF MINIMUM REQUIREMENTS

- (1) In their interpretation and application, the provisions of this By-law shall be held to be minimum requirements, adopted for the regulation of the use and development of land within the indicated parts of the Village of Port Alice. Wherever the requirements of this By-law are at variance with the requirements of any other lawfully adopted rules, regulation, by-laws, deed restrictions or covenants, the most restrictive of that imposing the higher standards shall govern.

3.1.0 ESTABLISHMENT OF ZONES

- (1) For the purpose of this By-law, parts of the Village of Port Alice are divided into the following zones:

<u>Zone</u>	<u>Short Form</u>
Residential 1	R-1
Residential 2	R-2
Residential 3	R-3
Commercial 1	C-1
Commercial 2	C-2
Industrial 1	M-1
Industrial 2	M-2
Industrial 3	M-3
Recreation 1	L-1
Slide Protection 1	SP-1

- (2) Zone standards and regulations are prescribed in Schedule A, "Zone Regulations" which schedule is attached to and hereby declared to be part of this By-law.
- (3) Zone boundaries are shown on Schedule B, Schedule C and Schedule D which Schedules are attached to and hereby declared to be a part of this By-law.
- (4) (a) For Schedule B and C boundaries indicated as approximately following the centre line of streets, lanes, rivers, creeks or other bodies of water, shall be construed as following such centre line; and  
(b) Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning map.

4.1.0

SUPPLEMENTARY REGULATIONS

The provisions of this By-law shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

- (1) Principal Buildings There shall be no more than one principal building per site except as otherwise permitted in this By-law.
- (2) Height Exceptions The height limitations of this by-law shall not apply to church spires, belfries, domes, monuments, fire towers, transmission towers, chimneys, ventilators, flag poles, water tanks, aerials and necessary mechanical appurtenances usually carried above the roof level and other such structures that may be required in the industrial zone for specific purposes incidental to the operation of the industry. Such features however shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20 percent of the ground floor area of the building.
- (3) Visibility at Intersections On a corner lot in all residential zones nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of .8 m (2.6 ft.) and 3 m (9.8 ft.) above centre line grade if the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines 9 m (29.5 ft.) from the point of the intersection.
- (4) Fences Subject to the visibility requirements of Section 4.1.0 (3), fences shall comply with the following height limitations:
  - (a) in all residential zones, fences shall not exceed a height of 1.8 m (6 ft.) to the rear of any required front yard;
  - (b) in all residential zones, fences shall not exceed a height of 1.2 m (4 ft.) within any required front yard.
- (5) Waterfront Access Facilities
  - (a) The following shall be permitted in any district:
    - (i) wharves, piers, floats and boat launching facilities constructed, leased, kept, or maintained by public agencies for public purposes;
    - (ii) private floats, wharves and walkways necessary to gain access to otherwise inaccessible property abutting the foreshore.
  - (b) The uses, permitted in (a) above, shall be subject to the following regulations:
    - (i) no private float or wharf shall extend any further distance from the shore than is necessary for boat access;
    - (ii) no section of a private float or wharf shall exceed a width of 5 m (16.4 ft.).

(6) Flood Control Requirements

- (a) For the purpose of this section, the "natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

"Watercourse" - is any natural or man-made depression with well defined banks and a bed .6 m (2 ft.) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 260 ha (1 sq. mile) or more or as required by a designated Official of the Ministry of Environment of the Province of British Columbia.

- (b) Notwithstanding any other provisions of this By-law, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located:
- (i) within 7.5 m (25 ft.) of the natural boundary of the sea;
  - (ii) within 30 m (100 ft.) of the natural boundary of any other natural watercourse;
  - (iii) with any part of the floor system of any area used for habitation, business or storage of goods damageable by floodwaters, or in the case of a mobile home or unit, the ground level on which it is located, less than .6 m (2 ft.) above the two hundred year flood level, where it has been determined, or if not, less than 3 m (10 ft.) above the natural boundary of the sea nor less than 3 m (10 ft.) above the natural boundary of any other watercourse in the immediate flood hazard area.
- (c) Clause (6)(b)(iii) shall not apply to:
- (i) a renovation of an existing building or structure used as a residence that does not involve an addition thereto;
  - (ii) that portion of a building or structure to be used as a carport or garage.
- (d) (i) The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home located, or by a combination of both structural elevation and landfill.
- (ii) Where landfill is used to achieve the required elevations stated in Clause (6)(b)(iii) above, no portion of the landfill slope shall be closer than the distances in Clause 6(a)(i) and (6)(a)(ii) from the natural boundary, and the face of the landfill slope shall be adequately protected against erosion from floodwaters.

Provided that with the approval of the Deputy Minister of Environment, or his designate, these requirements may be reduced.

4.1.0

OTHER RESTRICTIONS AND REGULATIONS

- (1) Nothing contained in this By-law shall relieve any applicant from the responsibility to seek out and comply with restrictive covenants, by-laws or regulations applicable to his development.
- (2) Metric units are used for all measurements in this By-law. The approximate equivalent of those units in currently used units of Canada measure (feet, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this By-law.

READ A FIRST TIME this 23<sup>rd</sup> day of *January*, 1980

READ A SECOND TIME this 23<sup>rd</sup> day of *January*, 1980

READ A THIRD TIME this 26<sup>th</sup> day of *November*, 1980

I HEREBY CERTIFY the foregoing to be a true and correct copy of By-law No. 200 cited as "Village of Port Alice Zoning By-law No. 200, 1980", as read a third time by Council on the 26<sup>th</sup> day of *November*, 1980.

*William Rydberg*  
Clerk/Treasurer

I HEREBY CERTIFY a Public Hearing was held on By-law No. 200, cited as "Village of Port Alice Zoning By-law No. 200, 1980", on the 26<sup>th</sup> day of *November*, 1980.

*William Rydberg*  
Clerk/Treasurer

RECONSIDERED AND FINALLY ADOPTED this 10<sup>th</sup> day of *December*, 1980

*Gordie Graham*  
Mayor

*William Rydberg*  
Clerk/Treasurer

I HEREBY certify that this is a true and correct copy of By-law No. 200, cited as "Village of Port Alice Zoning By-law No. 200, 1980".

*William Rydberg*  
Clerk/Treasurer

A true copy of By-Law No. 200 registered in the office of the Inspector of Municipalities this 26<sup>th</sup> day of *February* 1981.

*[Signature]*  
Inspector of Municipalities

SCHEDULE A

ZONE REGULATIONS

This is SCHEDULE "A" referred to in Section 3.1.0 (2) of the Village of Port Alice  
Zoning By-law No. 200.

RESIDENTIAL 1 ZONE (R-1)

5.1.0 PERMITTED USES

In a Residential 1 Zone the use of land, buildings and structures is restricted to:

- (a) Single family and two family dwellings, excluding mobile homes
- (b) Schools
- (c) Public hospitals
- (d) Parks, playgrounds, community halls, sportsfields
- (e) Churches and similar places of worship
- (f) Lodging or boarding houses
- (g) Public utility structures and uses
- (h) Structures and uses accessory to uses permitted in clauses (a) to (g) inclusive.

5.1.1 STANDARDS

Every use of land and every building or structure permitted in an R-1 Zone shall conform with the provisions of sections 5.1.2 to 5.1.8 inclusive.

5.1.2 MINIMUM SITE AREA

- (1) The minimum site area for a single family or two family dwelling is 558 m<sup>2</sup> (6,000 ft.<sup>2</sup>).
- (2) On lots or parcels in an R-1 Zone that are shown on a plan duly filed in the Land Registry Office prior to the adoption of this By-law which have less than the minimum area required in subsection (1), one dwelling unit is permitted on each such lot or parcel if the method by which sewage is to be disposed of is approved in writing by the Medical Health Officer, or his designated representative.

5.1.3 MINIMUM SITE WIDTH

The minimum site width for a single family dwelling is 18.3 m (60 ft.).

5.1.4 MINIMUM YARD DIMENSIONS

- (1) Each site other than a corner site shall have front, side and rear yards with depths and widths of not less than the following:
  - (a) Front yard depth - 6 m (20 ft.)—
  - (b) Each side yard width - 1.5 m (5 ft.)
  - (c) Rear yard depth - 9 m (30 ft.)
- (2) Corner sites shall have side yard widths of not less than the following:
  - (a) Corner site: Street side - 3 m (10 ft.)  
Interior side - 1.5 m (5 ft.)
  - (b) Reversed corner site:  
Street side - 3.5 m (12 ft.)  
Interior side - 1.5 m (5 ft.)
- (3) All corner sites shall have front yard and rear yard depths as required in subsection (1).

5.1.5 SITE COVERAGE

Buildings and structures shall not cover more than 33 percent of the site area.

5.1.6 MAXIMUM HEIGHT

- (1) No principal building shall be erected to a height in excess of 10.5 m (35 ft.).
- (2) No accessory building shall be erected to a height in excess of 4.5 m (15 ft.).

5.1.7 FLOOR AREA

The minimum floor area for a dwelling is 83.6 m<sup>2</sup> (900 ft.<sup>2</sup>).

5.1.8 PARKING

Off-street parking shall be provided in accordance with the provisions of section 6.1.0.

RESIDENTIAL 2 ZONE (R-2)

5.2.0 PERMITTED USES

In a Residential 2 Zone the use of land, buildings and structures is restricted to:

- (a) Single family dwellings, excluding mobile homes
- (b) Two family dwellings
- (c) Multiple family dwellings
- (d) Schools
- (e) Parks, playgrounds, sportsfields and community halls
- (f) Churches and similar places of worship
- (g) Lodging or boarding houses
- (h) Public utility structures and uses
- (i) Structures and uses accessory to uses permitted in clauses (a) to (h) inclusive

5.2.1 STANDARDS

- (1) Uses permitted under clause (a) of section 5.2.0 are subject to all of the conditions and standards of the R-1 Zone as applicable, except as otherwise permitted.
- (2) All other uses and buildings or structures permitted in an R-2 Zone shall conform to the provisions of sections 5.2.2. to 5.2.9 inclusive.

5.2.2 MULTIPLE FAMILY DWELLINGS

- (1) Multiple family dwellings are restricted to areas where both a sewer system and a water supply and distribution system, approved by Council, are provided.
- (2) More than one principal building per site is permitted where multiple family dwellings are the main use.

5.2.3 MINIMUM SITE AREA

- (1) The minimum site area for a single family dwelling is 558 m<sup>2</sup> (6,000 ft.<sup>2</sup>).
- (2) The minimum site area for a two family dwelling is 743 m<sup>2</sup> (8,000 ft.<sup>2</sup>).
- (3) (a) The minimum site area for a townhouse of three dwelling units is 836 m<sup>2</sup> (9,000 ft.<sup>2</sup>) and for each additional dwelling unit the minimum site area shall be increased by 232.5 m<sup>2</sup> (2,500 ft.<sup>2</sup>).
- (b) The minimum site area for other multiple family dwellings shall be the larger of 558 m<sup>2</sup> (6,000 ft.<sup>2</sup>), or, the area calculated on the basis of 139 m<sup>2</sup> (1,500 ft.<sup>2</sup>) per dwelling unit.
- (4) On lots or parcels in an R-2 Zone that are shown on a plan duly filed in the Land Registry Office prior to the adoption of this By-law which have less than the minimum area required in subsections (1) and (2) one dwelling unit is permitted on each such lot or parcel if the method by which sewage is to be disposed of is approved in writing by the Medical Health Officer, or his designated representative.

5.2.4

MINIMUM SITE WIDTHS

- (1) The minimum site width for a single family dwelling is 15 m (50 ft.).
- (2) The minimum site width for a two family dwelling is 21 m (70 ft.).
- (3) The minimum site width for a multiple family dwelling is 18.3 m (60 ft.) where four or less dwelling units are provided, and is 30.5 m (100 ft.) where five or more dwelling units are provided.

5.2.5

MINIMUM YARD DIMENSIONS

- (1) For two family dwellings, each site other than a corner site shall have front, side and rear yards with depths and widths of not less than the following:
  - (a) Front yard depth - 6 m (20 ft.)
  - (b) Each side yard width - 1.5 m (5 ft.)
  - (c) Rear yard depth - 9 m (30 ft.)
- (2) For two family dwellings, corner sites shall have side yard widths of not less than the following:-
  - (a) Corner site: Street side - 3 m (10 ft.)  
Interior side - 1.5 m (5 ft.)
  - (b) Reversed corner site: Street side - 3.5 m (12 ft.)  
Interior side - 1.5 m (5 ft.)
- (3) For two family dwellings, all corner sites shall have front yard and rear yard depths as required in subsection (1).
- (4) For multiple family dwellings, each site shall have front, side and rear yards with depths and widths of not less than the following:
  - (a) Front yard depth - 7.5 m (25 ft.)
  - (b) Each side yard width - 4.5 m (15 ft.)
  - (c) Rear yard depth - 10.5 m (30 ft.)
- (5) Notwithstanding subsection (4), for townhouses, side yards are only required for each end unit site of a townhouse dwelling.

5.2.6

SITE COVERAGE

- (1) For two family dwelling sites, buildings and structures shall not cover more than 33 percent of the site area.
- (2) For multiple family dwellings, buildings and structures shall not cover more than 40 percent of the site area.

5.2.7

MAXIMUM HEIGHT

- (1) No two family dwelling shall be erected to a height in excess of 10.5 m (35 ft.).
- (2) No multiple family dwelling shall be erected to a height in excess of 10.5 m (35 ft.).
- (3) No accessory building shall be erected to a height in excess of 4.5 m (15 ft.).

5.2.8

FLOOR AREA

The minimum floor area per dwelling unit shall be as follows:

One family dwelling - 83.6 m<sup>2</sup> (900 ft.<sup>2</sup>) per dwelling unit

Two family dwelling - 65 m<sup>2</sup> (700 ft.<sup>2</sup>) per dwelling unit

Townhouse - 74 m<sup>2</sup> (800 ft.<sup>2</sup>) per dwelling unit

Apartment  
Bachelor unit - 32.5 m<sup>2</sup> (350 ft.<sup>2</sup>) per dwelling unit

One bedroom unit - 51 m<sup>2</sup> (550 ft.<sup>2</sup>) per dwelling unit

Two bedroom unit - 69.6 m<sup>2</sup> (750 ft.<sup>2</sup>) per dwelling unit

Three bedroom unit - 83.6 m<sup>2</sup> (900 ft.<sup>2</sup>) per dwelling unit

5.2.9

PARKING

Off-street parking shall be provided in accordance with the provisions of section 6.1.0.

RESIDENTIAL 3 ZONE (R-3)

5.3.0 PERMITTED USES

In a Residential 3 Zone the use of land, buildings and structures is restricted to:

- (a) Mobile home parks
- (b) Mobile homes on individual lots
- (c) Parks, playgrounds, sportsfields, community halls
- (d) Churches and similar places of worship
- (e) Public utility structures and uses
- (f) Structures and uses accessory to uses permitted in clauses (a) to (e) inclusive.

5.3.1 STANDARDS

- (1) Mobile home parks shall conform with the provisions of the Mobile Home Parks Regulations adopted pursuant to the Health Act, and Sections 5.3.2 and 5.3.3.
- (2) Except as provided in subsection (1) every use of land and every building or structure permitted in an R-3 Zone shall conform with the provisions of Sections 5.3.4.

5.3.2 SIGNS AND NOTICES

Subject to the Motor Vehicle Act, in the case of a mobile home park, only one sign not exceeding 2.5 m<sup>2</sup> (25 ft.<sup>2</sup>) in area, facing each street abutting the site, is permitted.

5.3.3 MOBILE HOME PARKS - ADDITIONAL REGULATIONS

Notwithstanding the Mobile Home Parks Regulations, the following standards shall apply to mobile home parks:

- (a) The minimum mobile home space size for each mobile home shall be 297 m<sup>2</sup> (3,200 ft.<sup>2</sup>).
- (b) The minimum floor area for each mobile home shall be 37 m<sup>2</sup> (400 ft.<sup>2</sup>).
- (c) Roadways shall be maintained as dust free surfaces at all times.

5.3.4 PARKING

Off-street parking shall be provided in accordance with Section 6.1.0.

5.4.5 MAXIMUM HEIGHT

- (1) No principal building shall be erected to a height in excess of 12 m<sup>4</sup> (40 ft.).
- (2) No accessory building or structure shall exceed 4.5 m (15 ft.).

5.4.6 PARKING

Off-street parking shall be provided and maintained in accordance with the provisions of section 6.1.0.

5.4.7 LOADING

Adequate space for the loading and unloading of delivery vehicles shall be provided on each site.

COMMERCIAL 1 ZONE (C-1)

5.4.0 PERMITTED USES

In a Commercial 1 Zone the use of land, buildings and structures is restricted to:

- (a) Retail stores
- (b) Offices
- (c) Banks, credit unions, loan and trust company offices
- (d) Restaurants, cafes
- (e) Bakery, confectionary shops, delicatessens
- (f) Barber shops, beauty parlours, shoe repair shops, laundry and dry cleaning shops, photography studios, electric and electronic repair shops, and medical and dental offices
- (g) Printing and publishing shops
- (h) Beer parlours and licensed beverage rooms
- (i) Bowling alleys, pool halls, theatres (excluding drive-in theatres)
- (j) Private clubs and fraternal lodges
- (k) Hotels, motels
- (l) Public and quasi-public buildings and uses
- (m) Parking areas and structures
- (n) Gasoline service stations
- (o) Public utility structures and uses
- (p) Residential accommodations in conjunction with permitted uses in this subsection
- (q) Structures and uses accessory to uses permitted in clauses (a) to (o) inclusive.

5.4.1 STANDARDS

Every use of land and every building or structure permitted in a C-1 Zone shall conform with the provisions of sections 5.4.2 to 5.4.7 inclusive.

5.4.2 COMBINED COMMERCIAL AND RESIDENTIAL

- (1) Where a lot is used for combined commercial and residential use, the residential use shall:
  - (a) be contained in the same building as the commercial use,
  - (b) be located over or behind, or at the side of the commercial use,
  - (c) have a separate entrance for the outside.

5.4.3 MINIMUM SITE AREA

Minimum site areas shall be as follows:

- (a) Gasoline service station: 930 m<sup>2</sup> (10,000 ft.<sup>2</sup>)
- (b) Hotels and motels: 930 m<sup>2</sup> (10,000 ft.<sup>2</sup>)
- (c) All other uses: 650 m<sup>2</sup> (7,000 ft.<sup>2</sup>).

5.4.4 SITE COVERAGE

Buildings and structures shall not cover more than 50 percent of the site area.

COMMERCIAL 2 ZONE (C-2)

5.5.0 PERMITTED USES

In a Commercial 2 Zone the use of land, buildings and structures is restricted to:

- (a) Building supply and lumber yards
- (b) Automobile sales and repairs
- (c) Boat sales
- (d) Mobile home, trailer and camper sales
- (e) Plumbing shops
- (f) Welding and machine shops
- (g) Gasoline service stations
- (h) Warehouses
- (i) Contractor's yard
- (j) Bulk oil and gas storage
- (k) Private clubs and fraternal lodges
- (l) Public utility structures and uses
- (m) Structures and uses accessory to uses permitted in clauses (a) to (l) inclusive.

5.5.1 STANDARDS

Every use of land and every building or structure permitted in a C-2 Zone, shall conform to the provisions of Sections 5.5.2 to 5.5.7 inclusive.

5.5.2 MINIMUM SITE AREA

Minimum site areas shall be as follows:

- (a) Plumbing, welding and machine shops: 650 m<sup>2</sup> (7,000 ft.<sup>2</sup>).
- (b) All other uses: 930 m<sup>2</sup> (10,000 ft.<sup>2</sup>).

5.5.3 MINIMUM YARD DIMENSIONS

Each site shall provide yards of not less than the following dimensions:

- (a) Front yard depth: 6 m (20 ft.)
- (b) Each side yard width: 1.5 m (5 ft.)
- (c) Rear yard depth: 6 m (20 ft.)

5.5.4 SITE COVERAGE

Buildings and structures shall not cover more than 50 percent of the site area.

5.5.5 MAXIMUM HEIGHT

- (1) No principal building shall be erected in excess of 12 m (40 ft.).
- (2) No accessory building or structure shall exceed 4.5 m (15 ft.).

5.5.6 PARKING

Off-street parking shall be provided and maintained in accordance with the provisions of Section 6.1.0.

5.5.7 LOADING

Adequate space for the loading, unloading and maneuvering of delivery vehicles shall be provided on each site.

INDUSTRIAL 1 ZONE (M-1)

5.6.0 PERMITTED USES

In an Industrial 1 Zone the use of land, buildings, and structures, including the surface of water, is restricted to:

- (a) Pulp mills
- (b) Logging
- (c) Log storage
- (d) Log dumping and sorting
- (e) Saw mills
- (f) Public utility structures and uses
- (g) Structures and uses accessory to uses permitted in clauses (a), (b), (c), and (d).

5.6.1 STANDARDS

Every use of land and every building or structure permitted in an M-1 Industrial Zone shall conform to the provisions of sections 5.6.2 to 5.6.4 inclusive.

5.6.2 PRINCIPAL BUILDINGS

More than one principal building per site is permitted.

5.6.3 PARKING

Off-street parking shall be provided in accordance with the provisions of 6.1.0.

5.6.4 LOADING

Adequate space for the loading, unloading and maneuvering of delivery vehicles shall be provided on each site.

INDUSTRIAL 2 ZONE (M-2)

5.7.0

PERMITTED USES

In an Industrial 2 Zone the use of land, buildings and structures including the surface of water is restricted to:

- (a) Log storage
- (b) Public utility structures and uses
- (c) Structures and uses accessory to uses in clauses (a) and (b).

INDUSTRIAL 3 ZONE (M-3)

5.8.0

PERMITTED USES

In an Industrial 3 Zone the use of land, buildings and structures is restricted to:

- (a) Harvesting of forest resources
- (b) Public utility structures and uses
- (c) Structures and uses accessory to uses in clauses (a) and (b).

RECREATION 1 ZONE (L-1)

5.9.0 PERMITTED USES

In a Recreation 1 Zone the use of land, buildings and structures, including the surface of water is restricted to:

- (a) Public recreational uses
- (b) Public utility structures and uses
- (c) Log storage
- (d) Structures and uses accessory to uses in clauses (a) and (b).

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SLIDE PROTECTION ZONE (SP-1)

5.10.0 Permitted Uses

Within the Slide Protection Zone, the use of land buildings and structures is restricted to:

- (a) Structures and uses whose main purpose is to control possible future debris flows and landslides, and/or to maintain the slide protection works.
- (b) Parks, playgrounds and sports fields subject to use only in periods of low rainfall without any permanent buildings.
- (c) Agricultural activities without any permanent buildings.
- (d) Cemetery.
- (e) Roads.

The following parcels are rezoned from R-1, R-3, L-1 and M-3 to SP-1:

Plan of Right of Way through Lot 1, Plan 27722 D.L. 2137  
Rupert District.

Plan of Right of Way through Lot 60, D.L. 2137, Plan 19973,  
Rupert District.

Plan of Right of Way through Lot 2, D.L. 2137, Plan 22443  
Rupert District.

Plan of Right of Way through Lot 61, D.L. 2137, Plan 19973  
Rupert District.

Plan of Right of Way through Lot 13 of Block 1 of Plan 17098  
of District Lot 2137, Rupert District.

Plan of Subdivision of Part of Lot 2137, Rupert District,  
Plan 33050.

6.1.0 OFF-STREET PARKING

(1) Off-street parking spaces for each building and use shall be provided in accordance with the following table:

USE	REQUIRED PARKING SPACE
Single family dwelling Two family dwelling Multiple family dwelling Dwelling unit in conjunction with commercial or industrial premises	2 for each dwelling unit
Boarding, lodging house	1 for each sleeping unit
Retail Store, Office	1 for each 28 m <sup>2</sup> (300 ft. <sup>2</sup> ) or fraction thereof of gross floor area
Hotel and Motel	1 for each sleeping unit
Restaurant, cafe and beverage room	1 for each four seats
Manufacturing and industrial building and use	1 for each 3 employees, or 1 for each 93 m <sup>2</sup> (1,000 ft. <sup>2</sup> ) of gross floor area, whichever is greater
Warehousing, storage building, wholesale establishment or other similar use	1 for each 3 employees, or 1 for each 186 m <sup>2</sup> (2,000 ft. <sup>2</sup> ) of gross floor area, whichever is greater
Kindergarden, elementary and junior high school Senior high school	1 for each staff member  1 for each staff member plus 1 for each 10 pupils
Church	1 for each 10 seats, plus 1 for each 19 m <sup>2</sup> (200 ft. <sup>2</sup> ) of gross floor area used for assembly within a church building or church hall
Hospital	1 for each staff member, plus 2 for each 3 patient beds

OFF-STREET PARKING (continued)

USE	REQUIRED PARKING SPACE
Arena, assembly hall, auditorium lodge and fraternal building, community centre, dance hall, funeral parlour, public library, theatre	1 for each 10 seats, or 1 for each 9.3 m <sup>2</sup> (100 ft. <sup>2</sup> ) of floor area used for public assembly
Curling rink, roller rink, swimming pool	1 for each 46 m <sup>2</sup> (500 ft. <sup>2</sup> ) of gross floor area, plus 1 for each 10 spectator seats
Bowling Alley Billiard and pool hall	2 for each alley 2 for each table

- (2) The standards of subsection (1) shall not apply to buildings, structures or uses existing on the effective date of this by-law, except that:
- (a) Off-street parking shall be provided in accordance with subsection (1) for any addition to such building or structure, or any change or addition to such existing use.
- (3) Every required off-street parking space shall have a minimum width of 2.7 m (9 ft.) and a minimum length of 6 m (20 ft.) and shall have at all times convenient vehicular access to public thoroughfare.
- (4) The required off-street parking for all uses, shall be provided on the same lot as the principal use.
- (5) The required off-street parking area to accommodate three or more vehicles shall have a surface which is dust free at all times and shall have individual parking spaces, maneuvering aisles, entrances and exits clearly marked.